Liberty

NOT THE DAUGHTER BUT THE MOTHER OF ORDER — PROUDHON

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"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved,
And though thou slay us, we will trust in thee."

JOHN HAY.

On Picket Duty.

Moleschott is one of the few specialists who can think on social questions. He recently said that one cannot define "a criminal," since every one is, or is sure to be at one time or another, a criminal.

A writer in the "Open Court" cites numerous facts in proof of his statement that "it can hardly be said that Americans are not a superstitious people." And Liberty is the more disposed to agree with him, seeing that he himself exemplifies the truth of his conclusion by the remark that "superstition thrives best where *churches* and railroads and schoolhouses are few and far between."

"The Voice of the People," published in Kingman, Kansas, declares for political, economic, and social freedom, which it regards as logical deductions from Spencer's "first principle." But neither Spencer's principle nor its own belief in individual liberty deter it from making arrangements to club with "Looking Backward" and "The Dawn," which, as everybody ought to know, have no other *raison d'être* and no other mission than the total abolition of political and social liberty. I call the attention of the Denver "Individualist" to this fact.

Says the "Sturdy Oak": "There is no better evidence of the need of a government than to listen to a man who claims he knows how to govern." But since all those who claim to know how to govern are thus declared, not only unfit for the office of governors, but very much in need of being looked after, the inevitable conclusion is that we must select our governors from the honest few who confess their inability to govern — which is evidently an absurdity. When the sincere and thoughtful decline to govern and the knaves only respond to the call, the wisest course would seem to be to do without government.

"'Measures and not men,'" says Junius, "is the common cant of affected moderation; a base, counterfeit language fabricated by knaves and made current among fools." And Pope observes: "To reform and not to chastise I am afraid is impossible. To attack vices in the abstract without touching persons may be safe fighting indeed, but it is fighting with shadows." Provided a controversialist is candid and thoroughly sincere, there should be no objection to his indulging in personalities. Shall a hypocrite be allowed to obtain safety behind a phrase or a proposition which he dignifies by the name of doctrine? Out upon such shallowness! While exposing fallacies and opposing falsehood, we must not neglect to hold up the person of our antagonist to the contempt and derision to which his mean qualities entitle him.

Col. Higginson, writing in the "Nationalist" on the alleged tendency towards State Socialism, says: "I can remember when Lysander Spooner, who first urged cheap postage in this country, undertook to send letters himself between New York and Boston at a much lower rate than the government's price, and for a time succeeded in doing it. I can remember when Wells, Fargo & Co. practically took the conveyance of letters out of the hands of the post-office department in the early days of California. It is now hard to believe that such a state of things ever existed." Yes, hard to believe for those who neither know the present state of things nor ever had a correct understanding of the state of things they describe. It may be a revelation for Mr. Higginson that the only reason the same facts do not exist now and did not continue is that governmental tyranny forcibly suppressed them, thus using foul means to overcome that which it could not even approach by means fair and square.

Mr. Ingalls calls for severe criticism of the general propositions advanced in his article on "Increase." From Liberty he will certainly receive support rather than opposition, for it never entertained a view different from that which he now holds. If it has any criticism to offer, it is that Mr. Ingalls is not justified in claiming originality and novelty for his important distinction. Even those who seemingly dissent from his main conclusion and who insist that cost is the limit of price do not in reality mean to contradict him. From the standpoint of economic logic, Mr. Ingalls's phraseology is doubtless to be commended as superior in point of exactness and accuracy. But it should be borne in mind that, when Warren and Andrews spoke of cost as the limit of price, they did so because they aimed at emphasizing the ethical side of their doctrine and the contrast which equity presents to commercial cannibalism.

In the Detroit "Evening News" an editorial entitled "The Underlying Principles" lately appeared, in which the present political situation was ably reviewed and discussed. The statement was plainly made that "the logic of democracy is Anarchism, and the logic of republicanism is State Socialism or Communism," and accordingly all prohibitionists and protectionists were advised to go over to the Republicans and assume the name that properly belongs to them, while Democrats were admonished to mistrust the law and renew their old-time pledge to vigilantly guard their liberties. That no blame for these extraordinary sentiments attaches to any of the political penny-a-liners of Detroit is certain; and the finger of suspicion points to the one man in that city whose reputation for cranky notions of this sort has long since become established. But is it not astonishing to have such revolutionary sentences stare at you from the editorial columns of a daily newspaper? The bewilderment of the respectable reader is easier fancied than described.

A State Socialist having written to the "Twentieth Century" to deny Mr. Yarros's statement that under collectivism people would be "drilled, ordered about, disciplined" by the authorities, Mr. Pentecost proceeds to tell him that, in truth, "Socialists and Anarchists are unnecessarily and unwarrantably bitter against each other"; that, in reality, "both are thorough believers in voluntary coöperation as an ultimate"; that "well-educated Socialists will say to you: 'We are the true Individualists,'" while "any well-educated Anarchist will say to you, 'We are the true Socialists'"; but that the trouble is that "the mind which embraces Anarchism cannot grasp the true inwardness of Socialism," just as "the Socialist does not and cannot understand Anarchy." Suppose all this is true; what of it? When Mr. Pentecost, or anybody else, is asked to decide between these two schools, it is simply begging the question to report what their respective claims and assertions are and to declare the inability of each to appreciate its opponents; it is expected of him to examine their claims and express *his own* opinion. Every man who has brains is reasonably expected to do his own thinking; and he cares about the opinions of others only in so far as they form the data upon which he has to build his conclusions. And to tell a man of positive opinions that he is constitutionally incapable of grasping the ideas of his antagonists is not only to insult him, but to despair of human reason and to deny the possibility of scientific knowledge. A theologian, a metaphysician, a Gnostic, has only to borrow Mr. Pentecost's device in order to secure himself against the assaults of scientists and philosophers.

A Call.

In 1845 appeared "Der Einzige und sein Eigentum" by Max Stirner (Kaspar Schmidt, 1806–1856.) There are still many among us who remember the deep interest this work excited at that time, and surely also some who stood in more or less intimate relations with the author.

These I would ask to communicate to me what they remember about Max Stirner. Above all would I request those who are in possession of manuscripts, letters, and likenesses of Stirner to favor me with an inspection of them for a short time. I shall be grateful for the smallest information, whether it relates to Stirner personally or to his works.

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The Legislative Mania.

[Waterman's Journal.]

In one of the hotel *Gazettes* or *Journals*, I saw the other day a plan for a general association of hotel keepers. It is almost unnecessary to add that one of the objects of the association will be to "secure proper legislation!" This is what we have come to—a system of class legislation. Everything that organizes must secure "proper legislation." Trades' unions, Knights of Labor, locomotive engineers, *Nationalists*, manufacturers, philanthropists, railroads, sugar-growers, all must have "proper legislation." And why not, to be sure? The legislators give constant evidence of their confidence in their own ability to set the world straight, and the evidence to the contrary is slow in putting in an appearance. Dairymen have combined in some States to secure "proper legislation" against oleomargarine, and with notable success. Why should not hotels secure protection against boarding-houses? The truth is, the proposed association probably contemplates no particular legislation at all, but only wants to be in the swim for "proper legislation." The hotel keepers know, moreover, that they have been meddled with in the past, and that, in the course of time, they will be treated to some kind of legislation, so they very naturally wish that it should be "proper." Just as railroads perforce have come to have what may almost be called a legislative department, to secure "proper legislation." They need to be represented before the legislators and before Congress, as Mr. Huntington expressed it a few years ago, for the purpose of "explaining things." If verbal explanations are not satisfactory to the legislators, pecuniary arguments have seldom been known to fail—because legislators are so concerned about finance, I suppose. And because, directly or indirectly, pecuniary arguments seldom fail to produce the proper legislation, it has come about that those who cannot use these arguments, the so-called laboring classes, are the last to begin to get their legislative dues. But today these classes are discovering their numerical strength, and, though they are more easily deceived than the "financiers," they slowly but surely advance toward "proper legislation." When they have secured this boon, and when all other classes have secured their legislative baubles, if we have any sense left by that time, we shall awake to the fact that it costs us so many hundred millions to keep ourselves in the same relative position we should occupy naturally, without a single legislative tag. If Socialism is really the only road to this discovery, the "Journal" bids Socialism welcome, because with the discovery will come the abdication of "proper legislation" and the coronation of justice.

FREE POLITICAL INSTITUTIONS:

THEIR NATURE, ESSENCE, AND MAINTENANCE.

AN ABRIDGEMENT AND REARRANGEMENT OF

Lysander Spooner's "Trial by Jury."

Edited by VICTOR YARROS.

Continued from No. 150.

Compared with it, the complicated systems of law that are compounded of the law of nature, of constitutional grants, of innumerable and incessantly changing legislative enactments, and of countless and contradictory judicial decisions, with no uniform principle of reason or justice running through them, are among the blindest of all the mazes in which unsophisticated minds were ever bewildered and lost. The uncertainty of the law under these systems has become a proverb. So great is this uncertainty that nearly all men, learned as well as unlearned, shun the law as their enemy, instead of resorting to it for protection. They usually go into courts of justice, so called, only as men go into battle — when there is no alternative left for them. And even then they go into them as men go into dark labyrinths and caverns — with no knowledge of their own, but trusting wholly to their guides. Yet, less fortunate than other adventurers, they can have little confidence even in their guides, for the reason that the guides themselves know little of the mazes they are treading. They know the mode and place of entrance; but what they will meet with on their way, and what will be the time, place, mode, or condition of their exit; whether they will emerge into a prison, or not; whether wholly naked and destitute, or not; whether with their reputations left to them, or not; and whether in time or eternity, — experienced guides rarely venture to predict. Was there ever such fatuity as that of a nation of men madly bent on building up such labyrinths as these for no other purpose than that of exposing all their reputation, property, liberty, and life to the hazards of being lost in them, instead of being content to live in the light of the open day of their own understandings?

If the jurors were to judge of the law, and the justice of law, there would be something like certainty in the administration of justice and in the popular knowledge of the law, and men would govern themselves accordingly. There would be something like certainty, because every man has himself something like definite and clear opinions, and also knows something of the opinions of his neighbors, on matters of justice. And he would know that no statute, unless it were so clearly just as to command the unanimous assent of twelve men who should be taken at random from the whole community, could be enforced against him. What greater certainty can men require or need as to the laws under which they are to live? If a statute were enacted by the legislature, a man, in order to know what was its true interpretation, and whether it would be enforced, would not be under the necessity of waiting for years until some suit had arisen and been carried through all the stages of judicial proceeding to a final decision. He would need only to use his own reason as to its meaning and its justice, and then talk with his neighbors on the same points. Unless he found them nearly unanimous in their interpretation and approbation of it, he would conclude that juries would not unite in enforcing it, and that it would consequently be a dead letter. And he would be safe in coming to this conclusion.

There would be something like certainty in the administration of justice and in the popular knowledge of the law for the further reason that there would be little legislation, and men's rights would be left to stand almost solely upon the law of nature, or what was once called in England "the common law" (before so much legislation and usurpation had become incorporated into the common law) — in other words, upon the principles of natural justice.

V.

THE CRIMINAL INTENT.

It is a maxim of the common law that there can be no crime without a criminal intent. And it is a perfectly clear principle, although one which judges have in a great measure overthrown in practice, that jurors are to judge of the moral intent of the accused person and hold him guiltless, whatever his act, unless they find him to have acted with a criminal intent; that is, with a design to do what he knew to be criminal.

This principle is clear because the question for a jury to determine is whether the accused be guilty, or not guilty. Guilt is a personal quality of the actor, not necessarily involved in the act, but depending also upon the intent or motive with which the act was done. Consequently the jury must find that he acted from a criminal motive before they can declare him guilty.

There is no moral justice in, nor any political necessity for, punishing a man for any act whatever that he may have committed, if he have done it without any criminal intent. There can be no moral justice in punishing for such an act, because, there having been no criminal motive, there can have been no other motive which justice can take cognizance of as demanding or justifying punishment. There can be no political necessity for punishing, to warn against similar acts in future, because, if one man have injured another, however unintentionally, he is liable, and justly liable, to a civil suit for damages; and in this suit he will be compelled to make compensation for the injury, notwithstanding his innocence of any intention to injure. He must bear the consequences of his own act, instead of throwing them upon another. And the damages he will have to pay will be a sufficient warning to him not to do the like act again.

If it be alleged that there are crimes against the public (as treason, for example, or any other resistance to government) for which private persons can recover no damages, and that there is a political necessity for punishing for such offences even though the party acted conscientiously, the answer is that the government must bear with all resistance that is not so clearly wrong as to give evidence of criminal intent. In other words, the government, in all acts, must keep itself so clearly within the limits of justice as that twelve men, taken at random, will all agree that it is in the right, or it must incur the risk of resistance without any power to punish it. This is the mode in which the trial by jury operates to prevent the government from falling into the hands of a party or a faction, and to keep it within such limits as all, or substantially all, the people are agreed that it may occupy.

This necessity for a criminal intent — in other words, for guilt — as a preliminary to conviction makes it impossible that a man can be rightfully convicted for an act that is intrinsically innocent, though forbidden by the government; because guilt is an intrinsic quality of actions and motives, and not one that can be imparted to them by arbitrary legislation. All the efforts of the government, therefore, to makes offences by the statute out of acts that are not criminal by nature must necessarily be ineffectual, unless a jury will declare a man guilty for an act that is really innocent.

The corruption of judges in their attempts to uphold the arbitrary authority of the government by procuring the conviction of individuals for acts innocent in themselves and forbidden only by some tyrannical statute, and the commission of which therefore indicates no criminal intent, is very apparent.

To accomplish this object they have in modern times held it to be unnecessary that indictments should charge, as by the common law they were required to do, that an act was done "wickedly," "feloniously," "with malice aforethought," or in any other manner that implied a criminal intent, without which there can be no criminality; but that it is sufficient to charge simply that it was done "contrary to the form of the statute in such case made and provided." This form of indictment proceeds plainly upon the assumption that the government is absolute, and that it has authority to prohibit any act it pleases, however innocent in its nature the act may be. Judges have been driven to the alternative of either sanctioning this new form of indictment (which they never had any constitutional right to sanction) or of seeing the authority of many of the statutes of the government fall to the ground; because the acts forbidden by the statutes were so plainly innocent in their nature that even the government itself had not the face to allege that the commission of them implied or indicated any criminal intent.

To get rid of the necessity of showing a criminal intent, and thereby further to enslave the people, by reducing them to the necessity of a blind, unreasoning submission to the arbitrary will of the government, and of a surrender of all right, on their own part, to judge what are their constitutional and natural rights and liberties, courts have invented another idea which they have incorporated among the pretended "maxims" upon which they act in criminal trials, — namely, that "ignorance of the law excuses no one." As if it were in the nature of things possible that there could be an excuse more absolute and complete! What else than ignorance of the law is it that excuses judges themselves for all their erroneous decisions? They are every day committing errors which would be crimes but for their ignorance of the law. And yet these same judges, who claim to be learned in the law, and who yet could not hold their offices for a day but for the allowance which the law makes for their ignorance, are continually asserting it to be a "maxim" that ignorance of the law excuses no one!

This preposterous doctrine that "ignorance of the law excuses no one" is asserted by courts because it is an indispensable one to the maintenance of absolute power in the government. It is indispensable for this purpose because, if it be once admitted that the people have some rights which the government cannot lawfully take from them, then the question arises in regard to every statute of the government whether it infringe, or not, the rights and liberties of the people. Of this question every man must of course judge according to the light in his own mind. And no man can be convicted unless the jury find, not only that the statute does not infringe the rights and liberties of the people, but also that it was so clearly consistent with the rights and liberties of the people as that the individual himself who transgressed it knew it to be so, and therefore had no moral excuse for transgressing it. Governments see that, if ignorance of the law were allowed to excuse a man for any act whatever, it must excuse him for transgressing all statutes which he himself thinks inconsistent with his rights and liberties. But such a doctrine would of course be inconsistent with the maintenance of arbitrary power by the government, and hence governments will not allow the plea, although they will not confess their true reasons for disallowing it.

The only reasons (if they deserve the name of reasons) that I ever knew given for the doctrine that ignorance of the law excuses no one are these:

1. "The reason for the maxim is that of necessity. It prevails, not that all men know the law, but because it is an excuse which every man will make, and no man can tell how to confute him."

The reason impliedly admits that ignorance of the law is intrinsically an ample and sufficient excuse for a crime, and that the excuse ought to be allowed if the fact of ignorance could but be ascertained. But it asserts that this fact is incapable of being ascertained, and that therefore there is a necessity for punishing the ignorant and the knowing, or the innocent and the guilty, without discrimination.

This reason is worthy of the doctrine it is used to uphold: as if a plea of ignorance, any more than any other plea, must necessarily be believed simply because it is urged; and as if it were not a common and every-day practice of courts and juries to determine the mental capacity of parties, as, for example, whether they can make reasonable contracts, whether they are "of sound mind and body," etc. And there is obviously no more difficulty in a jury's determining whether an accused person knew the law in a criminal case than there is in determining any other of the questions that come up continually in regard to a man's mental capacity. For the question to be settled by the jury is not whether the accused person knew the particular penalty attached to his act, but whether he knew that his act was intrinsically criminal.

A jury, then, in judging whether an accused person knew his act to be illegal, were bound first to use their own judgments as to whether the act were intrinsically criminal. If their own judgments told them the act was intrinsically and clearly criminal, they would naturally and reasonably infer that the accused also understood that it was intrinsically criminal, unless it should appear that he was either below themselves in the scale of intellect, or had had less opportunities of knowing what acts were criminal. In short, they would judge from any and every means they might have of judging; and if they had any reasonable doubt that he knew his act to be criminal in itself, they would be bound to acquit him.

The second reason that has been offered for the doctrine that ignorance of the law excuses no one is:

2. "Every person of the age of discretion, of sound mind and memory, is bound to know the law and presumed to do so."

But this is giving no reason at all for the doctrine, since saying that "a man is bound to know the law" is only saying in another form that "ignorance of the law does not excuse him." There is no difference at all in the two ideas. To say that ignorance of the law excuses no one because every one is bound to know the law is only equivalent to saying that ignorance of the law excuses no one because ignorance of the law excuses no one. It is merely reasserting the doctrine without giving any reason at all.

And yet these reasons, which are really no reasons at all, are the only ones, so far as I know, that have ever been offered for this absurd and brutal doctrine.

The idea suggested that "the age of discretion" determines the guilt of a person, that there is a particular age prior to which all persons alike should be held incapable of knowing any crime, and subsequent to which all persons alike should be held capable of knowing all the crimes, is another of this most ridiculous nest of ideas. All mankind acquire their knowledge of crimes, as they do of other things, gradually. Some they learn at an early age; others not till a later one. One individual acquires a knowledge of crimes as he does of arithmetic, at an earlier age than others do. And to apply the same presumption to all, on the ground of age alone, is not only gross injustice, but gross folly. A universal pre-

sumption might with nearly or quite as much reason be founded upon weight, or height, as upon age.

This doctrine that "ignorance of the law excuses no one" is constantly repeated in the form that "every one is bound to know the law." The doctrine is true in civil matters, especially in contracts, so far as this, — that no man who has the ordinary capacity to make reasonable contracts can escape the consequences of his own agreement, on the ground that he did not know the law applicable to it. When a man makes a contract, he gives the other party rights; and he must of necessity judge for himself, and take his own risk, as to what those rights are; otherwise the contract would not be binding, and men could not make contracts that would convey rights to each other. Besides, the capacity to make reasonable contracts implies and includes a capacity to form a reasonable judgment as to the law applicable to them. But in criminal matters, where the question is one of punishment or not; where no second party has acquired any right to have the crime punished, unless it were committed with criminal intent, and when the criminal intent is the only moral justification for the punishment, the principle does not apply, and a man is bound to know the law only as well as he reasonably may. The criminal law requires neither impossibilities nor extraordinaries of any one. It requires only thoughtfulness and a good conscience. It requires only that a man fairly and properly use the judgment he possesses and the means he has of learning his duty. It requires of him only the same care to know his duty in regard to the law that he is morally bound to use in other matters of equal importance. And this care it does require of him. Any ignorance of the law therefore that is unnecessary, or that arises from indifference or disregard of one's duty, is no excuse. An accused person, therefore, may be rightfully held responsible for such a knowledge of the law as is common to men in general. And he cannot rightfully be held responsible to a greater knowledge of the law than this.

To be continued.

THE RAG-PICKER OF PARIS.

By FELIX PYAT.

Translated from the French by Benj. R. Tucker.

PART FOURTH.

THE STRUGGLE.

Continued from No. 149.

Taking her hands, she concluded:

"Poor sister, let us submit."

And Marie answered, in delirious exaltation:

"Yes, Mademoiselle, we will save him, we will save him! Everything for him!"

And she fled in bewilderment.

"Good, good, Marie!" cried the delighted baron; "both of you are saved."

He added in Claire's ear:

"And so are we; come away."

Claire followed him with a feeling of indescribable horror.

"The torture is over," said she. "Let us carry off our forceps."

CHAPTER VI.

THIRTY THOUSAND FRANCS!

The next morning the bells of the Conciergerie awakened Jean, sobered but overwhelmed. With effort he recalled all the incidents that had led to his arrest, and thought a little of the charge against himself and a great deal of that which kept Marie in Saint Lazare.

He had no time to become absorbed in his reflections, for municipal guards came to take him to the Bureau of Judicial Delegations.

Thus the rag-picker again found himself in the office of the commissary who had arrested Marie. Only the secretary was present.

Jean sat down on a bench, muttering to himself and against himself gross insults interrupted by lamentations for Marie.

At last, unable longer to restrain his overflowing heart, he turned to the indifferent and somewhat astounded guards, and said:

"Ah! yes, my braves, worse than a brute! What beast drinks to ruin its young? And I . . . . what have I done? While my daughter was suffering and weeping, I forgot her and got drunk as of old. A hardened offender, incurable, unpardonable! Nothing has availed, — the death of the one, the imprisonment of the other, or my own oath, — the oath of a drunkard. Who has drank will drink. That's what a man is! A vampire. . . . I have drank the daughter's blood as well as the father's, and mine too. . . . Oh! when she finds out! It is her absence too . . . the chagrin, the pain, the trick, a diabolical temptation. Satanic wine! Scarcely can I remember."

And rising:

"To think that I had the proof in my hand, the salvation of my daughter, my life. . . . I had procured it so successfully from the old woman . . . and then to restore it to the old man! It is too much. Wine has stolen everything from me, head and heart, and I have lost everything. . . . Marie as well as Jacques . . . and Jean. As far as I am concerned, it is all right. So much the better, yes, but her! Good people, aid me! What shall I do? What can I say now? Without proof! A man like him accused by a man like me! Rag-picker against banker . . . . a penny against a pound. . . . No weight! But come, come, it's no time to whine. Some way must be found to save the girl who saves others. Where is justice? Where are the police? Where is the good God? She must live or I must die! They cannot tear my child from me, my heart. They cannot condemn the innocent for the guilty, whatever the devil may do". . . .

He was interrupted by the sudden opening of the door of the private office.

The commissary entered and gave his notes to the secretary.

"Ah! Monsieur commissary!" cried Jean.

"Be silent!" said the commissary, sitting down; "speak only in answer to my questions."

But Jean kept on.

"Monsieur commissary, you arrested yesterday a poor innocent."

"Come, no evasions," said the commissary.

Jean continued:

"Marie Didier". . .

"Speak for yourself" said the commissary, roughly. "You are accused of having murdered and robbed, on the Quai d'Austerlitz, twenty years ago, Jacques Didier, M. Berville's collector."

"Monsieur, I swear to you that she is innocent."

The commissary grew angry.

"That is not what you are asked. Do not meddle with the affairs of others. It is a question of yourself."

"Innocent as the poor dead child," insisted Jean. "I will prove it."

"Don't you hear what is said to you?" exclaimed the magistrate, rising.

"Yes, yes," said Jean, with his fixed idea.

"You are accused of murder," repeated the commissary.

"All right!" acquiesced Father Jean.

"Followed by robbery". . . .

"All right! all right! my commissary, I will justify myself, that's all right! Don't disturb yourself about me; there is no hurry on that score. It's for her that we need to hurry, for her, waiting to be freed."

"You exhaust my patience," cried the commissary, angrily. "It is you, Jean, you alone, who are in question here."

"We will see about that later, my magistrate. Let us go ahead, if you please. They want to ruin her, I want to save her. They accuse me now in order to upset my plan. The old wolf throws off the dogs. . . I know your trick, baron. But I do not lose the scent. It is not a question of me, I tell you, but of her."

And with feeling he added:

"Remember, Monsieur, it is already two days, two centuries, that she has been in prison, that I have not seen her, that they prevent me from seeing her, because she is not my daughter. Ah! if I have not the honor to be her father, I have the duty. Children of the heart are well worth the others. They are never abandoned, Monsieur."

"Once more, that is not the question, and". . .

"Beg pardon, my magistrate; don't get angry. I would not like to fail you in her case or mine. I repeat, I ramble; that I know very well. . . but, see here, I tell you squarely that I will not defend myself until she has been disposed of. If I did not first save my daughter, my family, all that is left to this poor old heart of sixty years, it would not pay to live."

And the rag-picker continued passionately:

"If I do not save her, Monsieur, I have committed all the murders, all the robberies, all the crimes, of the Code. Have no fear, I am guilty; I have done everything, killed, pillaged, what you will. To save her I will suffer myself to be accused, condemned, executed, for then I shall not have robbed her; but I would guillotine myself if I should fail to save her."

"This devil of a man speaks in a tone that moves me in spite of myself," said the commissary, aside.

And, aloud, he added:

"But how can you prove her innocence, since she has confessed?"

"Confessed!" exclaimed Jean.

The commissary exhibited a letter.

"Yes, in this letter written to her protector, M. Hoffmann, and seized in the clerk's office in the prison."

Jean tried to take the letter quickly.

"It is not true," he cried.

"Wretch, what are you doing?" said the commissary, severely, as he drew back the letter out of Jean's reach.

"Some new trick!" said Jean, "some sacrifice, some stupidity that I don't understand! But it's false, my magistrate. Her protector, he! Oh! come, come! She is so weak, you see, so good, so simple . . . . a lamb. She has no defender. They have got around her in some way. They have played it well on Father Jean! But, though she confesses, I do not confess. Believe me, hear me, help me, Monsieur. I know the guilty ones. I had the proof, a genuine proof which they have taken from me, the monsters, — an infernal stroke. If I should name them without proof, you wouldn't believe me. I want proof. . . . I will have it."

He stopped a moment, and then suddenly broke out again.

"I have it! I've got them. . . . Yes, I see the way already."

"Really? What is it?" asked the magistrate, in surprise.

"Lend me thirty thousand francs," exclaimed Jean, impetuously.

"What! thirty thousand francs?" repeated the astounded commissary. "Are you mad?"

"Not yet. Can you get them for me?"

"But you are laughing at me?"

"The government can easily find thirty thousand francs for her," said Jean, confidently.

"Enough! We are not here to joke."

"Ah! Monsieur, I do not joke," said Father Jean, sorrowfully; "I have no desire to do so. One doesn't make sport of a child in prison."

"For the last time, speak seriously, or else". . . .

"But I tell you seriously that I must have thirty thousand francs to save her."

"Well, you are either a lunatic or a knave, and I will teach you". . . .

"Oh! fear nothing," Jean hastened to protest. "I don't want to run away with . . . and her, then?"

And he continued pathetically:

"Once more, Monsieur, if I should not save her, I would ask your permission to die before she. . . . But I would not want the miserable sum of thirty thousand francs for not saving virtue itself. You will not refuse me the money. . . I will not spend it . . . you shall hold it in your hands all the time."

Again the magistrate interrupted him, seeming to be interested.

"But what do you wish to do with the money?"

"Ah! that's my secret, I don't dare to think of it myself. I'm afraid that I may injure it by breathing; for it's the only means left to me. But you shall come with me, you or your agents, as you please; you can have your whole force follow me."

"Decidedly, this is some game, either to escape or to gain time. Let us end the matter."

And, designating Jean to the guards, the commissary said:

"Take this man to prison."

Jean fell on his knees.

"Ah! Monsieur, I never prayed to any one in my life, and I am at your feet. I supplicate you with both hands, on both knees. Hear me! In the name of all that you hold dearest, I am telling you the pure truth. The garment does not make the monk. One is not guilty because he is poor, or innocent because he is rich. She who casts away her child goes to the altar; she who picks it up goes to prison."

The commissary made a sign to the guards, and they seized Jean.

"Ah! these people of justice! Like justice, they are deaf and blind!"

And in a heart-rending voice he added:

"Monsieur, Monsieur, I hold you responsible for any misfortune that may befall two poor innocents."

But suddenly he uttered a cry of joy. Camille had just entered.

"Ah! salvation!" he cried. "You certainly have thirty thousand francs at your disposal, Monsieur?"

"Why?" asked Camille.

To be continued.

Liberty.

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel." — PROUDHON.

☞ The appearance in the editorial column of articles over other signatures than the editor's initial indicates that the editor approves their central purpose and general tenor, though he does not hold himself responsible for every phrase or word. But the appearance in other parts of the paper of articles by the same or other writers by no means indicates that he disapproves them in any respect, such disposition of them being governed largely by motives of convenience.

Communistic Free Money.

If it were not evident, not only from J. Wm. Lloyd's frank confession, but from the boyish nature of the proposal which he makes in another column as an improvement upon mutual banking, that his error arises from utter unfamiliarity with the principles of finance, I should be inclined to believe that, in his recent toying with Communism, some of the virus had entered his veins. For the project which he labels "cooperative" is essentially communistic. This declaration will surprise Mr. Lloyd, for he doubtless hasn't realized anything of the kind. But a little reflection will convince him of its truth.

The money which he proposes is communistic for the same reason, or rather for one of the reasons, that the greenback is communistic, — namely, because it is secured (no, not secured, for it is thoroughly insecure), — because, let us say, it professes to represent all the wealth of everybody indefinitely (that is, of everybody belonging to the assumed association), in contradistinction from individual and mutual money, each particular piece of which represents, and is definitely secured by, a specific piece of property. The proposed money is communistic because — to put the same objection in other words — any depreciation of an individual's property or disaster in his business would fall, as Mr. Lloyd himself confesses, — nay, as he proclaims, supposing it a merit rather than a fault, — not upon the individual, but upon the whole mass of note-holders. It would be an insurance company indeed, as he suggests. But against what would it insure? Simply against human folly, human weakness, human extravagance, human wastefulness, human improvidence. Now, to insure against these is communism, and is itself folly. For to insure the individual against loss from his own blunders is to cause his blunders to multiply in geometrical progression. Insurance is an excellent thing in its proper place, but its sphere is generally limited by the line that separates the folly or weakness or wickedness of God from the folly or weakness or wickedness of man. To insure against the former is wise, because no individual is responsible for it or able to foresee and avoid it. But to insure against the latter is suicidal, because, by relieving the individual from the responsibility that properly belongs to him, it encourages him in recklessness and thereby leads to universal bankruptcy.

But Mr. Lloyd urges as an argument for the money he proposes its simplicity as compared with the machinery of mutual money, with its numerous banks, foreclosures of mortgages, etc. To be sure, but, if Mr. Lloyd is after simplicity, he should accompany the Communists still further, and favor no money at all. It is infinitely simpler for each individual to give and take when and where and all that he can, than to have all these shopkeepers, and bookkeepers, and yardsticks, and scales, and promissory notes, and property litigation, and prisons for thieves, that are necessary to any system of scientific and exact exchange. But I take it that Mr. Lloyd will see at once what consequences such simplicity would bring upon mankind. Now that the analogy is pointed out to him, perhaps he will see also that similar consequences would follow the adoption of his simple money system. Again; before charging so much complexity upon the mutual banking system and assuming so many foreclosures, he is bound first to disprove the claim of mutual money that, instead of increasing foreclosures and bankruptcies, it will reduce them to a minimum by eliminating from commerce the chief causes of insecurity. T.

Intelligence and Conduct.

Doubtless it is true that very often "a little knowledge is dangerous"; but it is clear to me that, in the case of those who manifest deplorable confusion upon the subject of "natural rights," a very little knowledge would have proved sufficient to guard them from making a sorry spectacle of themselves. Instead of equivocation, sophistry, and forced arbitrary interpretation, the proper course is to drink from the fountain of historic truth and modern fact and thus fill the void of natural ignorance.

The idea of "natural right" springs from the theological dogma which taught that the world is governed by a wise and loving personal creator and that everything is directed to the production of men's happiness. Metaphysicians, modifying this dogma, gave us their conception of a *jus naturæ*, a harmonious and beneficial "code of nature" anterior to civilization and independent of it. This half-theological, half-metaphysical idea, says Ingram, "was taken in hand by the modern negative school from Hobbes to Rousseau and used as a weapon of assault upon the existing order of society, with which the 'natural' order was perpetually contrasted as offering the perfect type from which fact had diverged." That it is wholly incompatible with the evolutionary philosophy and inconsistent with the scientific views of society is of course too plain to require explanation. According to John Morley, such an hypothesis "is most inimical to the discovery of positive political truth." "It is startling to think," he says, "how much speculative and practical confusion has come of the mistaken conception of the naturalness of laws." When Spencer wrote his first important work on sociology, he had not even begun the process of freeing himself from the fetters of this "fell divinity" of Nature; and though he subsequently emancipated himself, on the question of abstract or natural right he has never been definite and clear, in expression at least.

As Mr. Wordsworth Donisthorpe points out in a criticism of Spencer, there are three distinct classes of so-called rights: the rights which we would sanction if we had the opportunity to reorganize society in conformity to our own ideal; the rights which the people are fully prepared to allow; and the rights which are actually recognized by governmental authority. All these are equally "natural," though the second are invariably more progressive and liberal than the last when measured by our own standard, which we regard as the most rational and superior. The test of excellence is the degree of social happiness attained. And it is therefore incumbent upon nonconformists to convince the people that their proposed changes would tend to increase the sum of social wellbeing and accelerate the progress of society. Failing in this, they are not entitled to attention. Society is better than the fixed legalized arrangements it supports; therefore we who come with glad tidings of a higher and more perfect social order are certain to produce an impression and exert influence. It is only because we give systematic expression to what many faintly feel and perceive that we can hope to induce a portion to actively aid us in the reformatory work, and to count on the acquiescence and sympathy of other portions. But were it otherwise, were our ends and aspirations entirely unsuited and repugnant to society, we would be without either a present or a future, and any display of indignant emotion and bitterness on our side would be ridiculous. From the verdict of society there is no appeal. To oppose "nature" to society is to reveal a pitiful state of mind indeed.

"How," asks Morley, "do ethical systems arise? By what sort of process — mark, not for what *reason* — is it that certain things come to be regarded as right and certain other things as wrong?" And his answer leaves no room for notions of natural right: "Social circumstances give rise to rules of conduct. . . Lawless desperadoes find, after a certain experience of savagery, that on the whole it is more convenient in the long run not to rob and murder. . . . As population increases, and men's relations to one another become both closer and more extensive, other kinds of acts are put along with robbery and homicide as things that will not be endured." By the same "process of regard, more or less conscious and deliberate, to the consequences of given pieces of conduct to everybody concerned the ethical code by and by expands. . . In inquiring into the growth of the complexity of moral codes, we are principally engaged in observing an intellectual operation, — the acquisition of a wider knowledge of effects, a keener insight into consequences, a greater power of reasoning correctly about them. Just as primitive morality grows out of consulting convenience in its narrow sense, so later morality is the outcome of some man's mind who consults convenience, or fittingness, in its loftiest and noblest sense. The great moral reformer is simply the man who brings the healthiest and strongest intellect into questions of conduct and character. He is emphatically the professor of vision."

Metaphysical methods of reasoning are rapidly being superseded by scientific historical methods; and the importance of sociological truth renders it especially imperative that social reformers should start from correct and established premises and conduct all their investigations in harmony with modern canons of study. Those who at this late day still remain in the metaphysical stage of development have nobody but themselves to blame for their intellectual stagnation or slow growth, for the opportunities of information are many and free. V. Y.

Old Wine in New Bottles.

It is instructive to sometimes trace an accepted dogma back to its beginnings. We shall then see what little resemblance a newly-dressed-up old idea bears to its original. Modifiers and commentators so mould the old idea to make it fit new conceptions that nothing but the name remains, and so the label serves to confound rather than guide. Sometimes the defenders of the old theory will so twist and torture it that in course of time it bears more likeness to the theory to which it is opposed than to its own original self. The wage-fund theory and probation after death are illustrations in different spheres.

This is a favorite trick of those who want to introduce new truths clandestinely, as it were, — like Beecher, who substituted evolution for hell in his sermons and got his flock to endorse Darwin and deny hell, at the same time preserving all the terminology and much of the paraphernalia of superstition. The motive of these revolutionists by stealth may be praiseworthy, whatever we may say of their methods, and they can generally be credited with being deliberate and intelligent in their policy.

But the same methods are used by another class of reformers, perhaps less intelligently and not at all deliberately, to pass off old ideas in new clothing. When done consciously, nothing can be said in favor of their methods or motives, as they are misleaders and corrupters instead of enlighteners. On those who know the old idea in its crude state it has no effect, and on those who know nothing of the original but only the revised error it has a bad effect.

The believers in natural law may be interested to know how the theory appeared about a hundred years ago. In a debate on American taxation in England, Edmund Burke said that the project to tax American colonies was inexpedient. Referring to this, Austin ("Jurisprudence") writes:

But to that most rational objection the sticklers for the scheme returned this asinine answer. They said that the British Government had a right to tax the colonists, and

that it ought not to be withheld by paltry considerations of expediency from enforcing its sovereign rights against its refractory subjects. Now, if they attached any determinate meaning to the word right, they must have meant that the British Government was empowered by the law of God to tax its American subjects.

Here is the idea in its purity, which means nothing less than God-given rights. The present-day advocates of natural rights, who have lost belief in God, are sorely pushed for proof and their attempt to find a scientific justification is as futile as scientific theology. Failing any proof in external nature, they fall back on internal nature, and so bring in the theory of innate ideas, or intuition. This is a very unscientific position, innate ideas being a purely metaphysical conception of last-century philosophers and theologians. It was used by the metaphysician to save him from "blank atheism," and by the theologian with progressive ideas it was used as a set-off against revealed writings. Man must obey his conscience or be damned, said the theologian. Man has innate ideas of right and wrong, and it needed only that the truth should be stated for all good men to accept it, said the metaphysician. Yet truth did not prevail, and it was not alone bad men who rejected it, but good men. There are yet those who believe that truth needs only to be stated to secure its acceptance by all good men. Modern science — especially biology as studied by Spencer and Romanes — has dispelled these delusions, together with a lot of other metaphysical ghosts. Lecky has so far carried out the intuitive theory that a materialistic sociologist finds it perfectly compatible with evolutionary ethics, which shows that intuitions are but the inherited results of experience, — that is, that ideas are not prior to experience and innate, but purely a result of the survival of the fittest, — the fittest to cope with circumstances, — the idea being intuitive because experience proves it best. So that to talk of the truth being in a man — lying dormant it may be, but awaiting only conditious to draw it out — is not less absurd than the idea that men have natural, inalienable, indefeasible, imprescribable rights. Experience creates innate ideas and society creates rights.

A. H. Simpson.

Social Tendencies and Prospects.

Not a few of the many opponents of Anarchism seem to imagine that we base our demand for the abolition of the State on the remote, if not impossible, contingency of a perfect humanity. No greater mistake could be made. While it is quite true that a perfect humanity would not tolerate the State, we hold that long before men and women become perfect, if that is indeed within their destiny, they will learn to dispense with the State for certain very simple reasons of self-interest. They are learning it now. All that is needed towards the end of dispensing with the State is the perception by the people of their true interests, and their general recognition of the law of equal freedom as the condition most favorable to orderly progress. Let it once become generally known (what is now dawning on the minds of intelligent people everywhere) that one and all the varied and manifold needs of the individual and of society can be met and supplied more efficiently and more cheaply by private initiative and enterprise under liberty than by the compulsory coöperation of the State, and that the supersedence of the State by voluntary association signifies at once the extinction of the costly catastrophic agencies in social evolution and the inauguration of the era of peaceful and orderly progress for all time — and the occupation of the State will be gone. And surely people may come to an understanding of these things a long way this side of "perfection."

It may be that the consummation of this promiseful era so devoutly to be wished is not yet at hand. It may be that what seems likely to a superficial view of social tendencies has a fleeting warrant in the reality of things, and that we are indeed straightway drifting into a state of sweeping governmental control of human affairs. If such sometimes also to me seems to be the course of things, I am on the other hand deeply convinced that it will be impossible for society to rest there, and that State Socialism, should it ever go into operation, is doomed to fall to pieces under its own weight and in consequence of the expansiveness of human nature. The administration of the complex affairs of human life along the lines of a fixed and rigidly-enforced scheme such as contemplated by State Socialism is too violently at war both with the native love of the free and spontaneous exercise of faculties in the human mind, and with that prompt, efficient, and expeditious despatch of business demanded by modern life to ever secure the permanent endorsement and submission of mankind. The experiment may be tried, but it will fail.

To him who can read in the book of life and interpret the signs of the times it is evident that social evolution will follow a different course. A closer view of social movements reveals indeed a tendency away from any and all rigid arrangement of affairs. The constitution of the society where this tendency promises to land us has nothing eternally fixed and settled about it except that it is readily responsive to never-ceasing change in the character and nature of man, and that it awards leadership in the various spheres of activity to natural capacities, to be determined not indeed by any such miserable expedient as the *bourgeois* ballot, but by the unfailing test of results in a free market, while it will neither recognize nor tolerate any other leaders or rulers. Emerson long ago noted the progress towards such a state of things. He foresaw official government gradually falling into contempt and private adventurers assuming its fallen functions. It appeared to him but "an easy extension of our commercial system to pay a private emperor a fee for services, as we pay an architect, an engineer, or a lawyer. If any man," he observes, "has a talent for righting wrong, for administering difficult affairs, for counselling poor farmers how to turn their estates to good husbandry, for combining a hundred private enterprises to a general benefit, let him in the county-town, or in Court street, put up his sign-board, Mr. Smith, *Governor;* Mr. Johnson, *Working King.*"

If this tendency towards the spontaneous expression and adjustment of human needs and relations in society were not arbitrarily checked by the State, even at the point of the bayonet, it is easy to believe things would reveal a brighter aspect than now saddens every serious observer. One prolific source of social wrong and misery would in such case be removed; some of the most powerful agencies involving the elimination of evil would be set free. As Anarchists we shall work unweariedly, then, for the overthrow of the despotic barriers still shutting out the Smiths and the Johnsons from the performance of their benevolent and beneficent designs in many spheres of activity, and thus contribute our share in opening up more cheerful prospects of life.

G. S.

The "Nationalist" does not reply to Liberty's "Question." If its editors cannot answer, they should in honesty confess their inability, and retire from their office; if they can but will not answer, they are not gentlemanly and courteous enough to deserve the respect of self-respecting men.

Social Laws.

To the Editor of Liberty:

In Mr. Yarros's answer in Liberty of September 7 to my comments on his postulate, he uses the following language: "No, it would not be correct to say that individuals only discovered the laws of society. To create does not necessarily mean to produce something out of nothing, but may mean to give form, shape, completeness, and definiteness to something pre-existing."

Now, can he enlighten me as to what that something pre-existing is, or was, out of which rights are or were created? If he cannot, then how is he able to verify, or demonstrate, his postulate as to the creation of rights?

Yours truly, Byron Millett.

[I have more than once answered the question which Mr. Millett now puts to me anew, and I dislike restatement or repetition. But the present case seems to call for exceptional treatment. Mr. Millett is referred to the article on "Intelligence and Conduct," appearing in this issue, for a more complete, though indirect, answer to his question than I can give here. I will only point out that the "something pre-existing" is the general interest and wish for the greatest possible amount of comfort and security. It is this which brought primitive men into society, and it is this which causes social progress. Rights, be it remembered, are simply mutual recognitions of claims which originate from the necessities and desires of men who have to live in presence of one another. The higher, then, the intellectual and moral status of the individuals, the more rational, exact, and certain are the ways and methods of living in the society, and the more liberal and considerate its dealings with irregular members and aliens. — V. Y.]

To Comrade Yarros.

Certainly, comrade, if you can afford to treat your friends and sincere critics as you are in the habit of treating them, they can afford to be so treated.

And, if you can afford to occupy the position in which you have placed yourself in your refusal to debate with me, I can well afford to leave you there.

Les plus sages ne le sont pas toujours.

J. Wm. Lloyd.

[Since the above seems to be an appeal to public opinion, I, as a small fraction of that higher court, declare my verdict at once in Mr. Yarros's favor. I speak not here of his severity of tone. Perhaps that should be passed upon by one less guilty than myself in that respect (if guilt it be). I simply say that in my judgment Mr. Yarros is right when he charges that Mr. Lloyd too frequently "takes no pains to get at the real meaning of the author, but interprets and defines it [the author's statement] to suit himself, and then blandly proceeds to assail or applaud his own creations." One may be indulgent for a time towards this vice in a critic who, like Mr. Lloyd, offsets it with nearly all the virtues that a critic ought to have; but finally, with the most patient of us, comes the inevitable explosion of impatience. By persistent disentanglement one can always successfully meet such criticism, but sooner or later the question arises whether this perpetual extrication of your otherwise clear thought from the labyrinthine mazes with which another chooses to surround it is, after all, entirely profitable business. In this view of the case, then, my counsel to Mr. Lloyd is to overlook Mr. Yarros's manner, as of secondary importance even if it has caused him pain, and to see to it that hereafter, while exercising to the full his liberty to make his own dictionary, he tolerates the equal liberty of others to make theirs and interprets their thought accordingly. — Editor Liberty.]

George as a Derailer of Truth.

[Galveston News.]

In reply to Mr. Pentecost, editor of the Twentieth Century, Henry George says: "It is well to proclaim the whole truth, but it is not well to despise the efforts of those who are advancing towards the truth, or condemn practical measures, however small, which are in the right direction." It seems rather strange that Mr. George should follow this up as he does by writing some lines expressing his preference for Anarchism over State Socialism, for has he not declared in favor of government ownership of railroads and telegraphs, government provision of baths, libraries, and other benefits for the people out of his proposed immense revenue from a land tax? The expression quoted is a platitude or short series of platitudes. Those who object to Mr. George's government Socialism — for that it is, despite his disclaimers, tendency of facts being stronger than verbal assurances — may safely answer that they oppose him because he is advancing toward more government while they want less. How then can he commend the economic theory of Spencer, Warren, Proudhon, Emerson, and Ruskin? Apparently to misrepresent as generally impracticable rustic simplicity the idea and realization of equitable commerce — which probably must result from intelligence, liberty, and individual property — as if it could be practised only in isolated villages. One can misrepresent to eliminate a doctrine, but surely that doctrine which emphasizes exchange rather than production is for linked and not for isolated aggregations of people. Equitable commerce will doubtless be found the more specifically adapted to the complex functions of economic organisms precisely when and where authoritative regulation has to be abandoned in despair. In banking, in transportation, and in the distribution of products by sale, the rule of making prices by adding together items of expense plus a fair reward for services is the marrow of equity, the substance of coöperation without necessity for joint stock ownership or clumsy and dangerous authoritarian meddling. To stab this hope of future justice it was simply necessary to pretend that it could be adapted to nothing but the affairs of a rustic community.

Increase: Economic or Tributary.

To the Editor of Liberty:

For more than a half century I have contended that rent, interest, and profits were wrong and should be abated. I had all that time a half-latent idea that something was lacking to an exact conclusion, and constantly anticipated having it pointed out to me; but no advocate of capital has ever done so. Through my own investigations, aided by comparing the *pro* and *con* of the discussion among Socialists and Anarchists, I have arrived at the conviction that these forces, so potent in social and industrial life, are economic as well as monopolistic.

Economists treat rent, interest, and profit as if solely embraced within the principles of exchange. Moral, and, generally, religious reformers have classed them with the tribute-gathering of despotic power. Now from neither of those suppositions alone can any satisfactory conclusion be deduced, because the terms embrace wholly contradictory and incompatible things under the same name.

It has been suggested to me by Mr. C. L. James that this distinction has been noticed by Proudhon and also by Karl Marx; but he gives me no quotation or specific reference by which I can ascertain whether they also point out that, on their economic side, rent and interest are salutary as well as inevitable in their operation. All this may, perhaps, be inferred from the "Economic Contradictions" of Proudhon, but has he anywhere put it in clear form? If Karl Marx has done so, his whole scheme of State Socialism becomes a complete *non sequitur*. For then it is economic law, not human misdirection and misgovernment, he essays to rectify and reform. I do not see either how Proudhon could demand the abolition of economic rent and usury. With the broad distinction between the economic and the monopolistic force involved in these terms, we have to notice the undulatory motion of the ratio of values, and the *mean* or point of rest. This mean, as I distinctly stated in "Social Wealth" and more fully showed in "Economic Equities," is zero.

Economic rent is confined to the more fertile soils and the more eligible location. But the less fertile soil becomes the more fertile by a change of culture, discovery of new uses and new methods, and nothing is more fluctuating than the valuations of location, which a thousand incidents may reverse or change. In cities the relative value of location is one of constant variation. Advantage from use of capital is balanced often by glut in market. That from growth of animals and things is balanced by their subsequent decrease and decay. There is an appearance of increase when labor or care is bestowed on things in process of growth, and of loss when bestowed on them in process of decay, and these, on the whole, balance each other. That which is reaped as profit under our system of legislative interference is a wholly different thing, and results from class law. Rent of land is now tribute to privilege for the use of nature's forces and opportunities. Under a system of ownership where occupancy was the sole title it would disappear, and rent would then be a vibrating quantity, and subject to that modulating law which governs movement in every department of nature, securing always the cultivation of the best land. The grand distinction between the economic value and the monopolistic price of things is that the first constantly seeks the level, zero, from whatever cause of disturbance it may have become elevated or depressed; while the other forces an artificial level, as a dam prevents a stream from following its normal drift to the sea. Interest on money is held to a positive ratio, because of "legal tender" and exclusive currency laws, as well as by a monopoly of land, tariffs, patent rights, and other forms of privilege.

But the land, the plant, the stock, and even the currency require "care and keep," corresponding to, indeed constituting, the value of their use. Such service and such use are the complements of and balance each other. Demand and supply regulate the value of such service and use, the same as of other services and commodities, and constantly tend to bring them into equilibrium. Whenever stock is in excess, the service demanded for its care, or its conversion into more desirable or more durable forms, will command a premium. But such premium will tend to divert labor from other fields to this, until equilibrium is restored, after many vibrations in which will occur increased demand for stock and a premium for its use. This will tend to attract labor to lines most favorable to itself and to all. Herein appears the reciprocity principle between the use and the care of things. I have not space for further illustration. Care and use are exchangeable and therefore economic, and will bear alternate direct and inverse ratios to each other, as do other things exchangeable, the mean of which ratio is zero. That is, the service which does or procures the use will equal it in price, subject to the fluctuations from plus to minus, caused by the relative supply to the demand.

Thus a distinction conclusive of the incompatibility of economic with monopolistic increase is found in their different effects on equitable exchange. Variations in price do not involve permanent loss to any party. Prof. Sumner attempts to emphasize the equities of trade by saying: "The earnings of commerce are not taken from that which any one ever had." I quote from memory. He wishes to be understood that the values added by commerce may be equitably taken by those who perform the services of commerce, and this is true under freedom; but a patent untruth under the reign of privilege; for even he would not admit that prices under protective tariffs or government subsidies were other than robberies of labor. In rent and interest under monopoly of land and class currency laws the steal is still more certain and quite as apparent. It is only by the use of terms capable of such opposite meanings that monopolism is able to appear other than it is, an organized despoiler.

STATEMENT OF THE PROBLEM, — ECONOMIC.

Care and maintenance of productiveness = Use of land.

Service of superintendence and conservation = Use of stock, plant, etc.

Care in preservation from decay = Growth of things.

Labor cost of production = Mean price of commodities. Cost is not the *limit*, but the *mean* of price.

STATEMENT WITH MONOPOLY INVOLVED.

Rent = Privilege arising from monopoly of land.

Interest = Privilege from legal tender and currency class laws.

Profits = Governmental subsidies and protection from the economic law of supply and demand.

By their very terms these are excluded from any equation with values effected through labor.

I shall be glad to have these general propositions criticised, the more severely the better. J. K. INGALLS.

GLENORA, NEW YORK.

Co-operative Free Money.

Suppose a Confederation of Free Individuals, divided into groups.

Suppose the members of each group appraise — through the agency of a committee selected by some mutually satisfactory method — the amount of exchangeable wealth in labor products possessed by them. The same being placed on a record, publicly published, which should show at a glance the amount possessed by the members of the entire Confederation considered collectively, by the members of each group considered collectively, and by each individual member separately.

The standard, or unit of measure, used by the committee in appraising the cost or exchangeable-value of these labor products being an hour's labor of "the average intensity and extensity," as Andrews puts it. Suppose that, now, the several committees, met in convention, issue a call to the inventors to invent a paper suitable for currency, — waterproof, fireproof, acidproof, untearable, non-counterfeitable; to the paper manufacturers to furnish this paper in desired quantities; and to the printers to print an amount of paper money exactly representative of the value of the property on the record.

These matters settled by a free competition calculated to secure the best work and material possible, at the nearest approach to ideal labor-cost possible, suppose the money printed, and its distribution by the committees to the members of the groups to each individual in an amount exactly representative of his wealth as declared by the record. Said recipient buying said money at cost; said cost including all the labor of inventing, manufacturing, printing, and committee work.

Suppose the value represented by these notes expressed, not in *dollars* and *cents*, but in *hours* and *parts of hours* spent in labor. The notes to be actually called Quarter Hours, Half Hours, Hours, Days, Weeks, Months, etc.; thus clearly symbolizing to the parties in a bargain the amount of lifetime's labor exchanged. Any marked increase in the wealth of the Confederation, occurring in the course of time, and requiring an increased currency, to be met by a re-appraisement and new issue on the same plan as before; the new bills being of a different pattern from the old ones, which retire from circulation simultaneously with the new issue, to prevent fraud on the part of those who might hide part of their notes, and then plead that some accident had deprived them of tools of exchange for the labor products they possessed, if an issue were made of new notes similar to the old; those who had exchanged all or part of their labor-products for labor notes exchanging these old notes, now, for the new ones. It being provided, too, that any one could, at any time, exchange worn-out or defaced notes for new ones of the same denomination at the printers, the old ones to be counted and destroyed by the printer in the presence of the applicant and other witnesses, and a record made of the same, and the applicant paying cost of new notes.

If re-appraisement revealed *decreased* wealth in labor-products, obviously the entire volume of currency, and each particular note, would be depreciated in purchasing power accordingly, thus constituting, in the easiest possible way, the entire Confederation a mutual insurance company bearing mutually the losses suffered by individual members.

It being, of course, understood and agreed upon by all the members that these notes were to be received by each and all in payment of debt, and as fulfilling in every respect the present functions of good money.

Would not the currency supplied by this method fulfill all the requisites of a scientific medium of exchange — cheapness, portability, indestructibility, inappreciable intrinsic value, uniformity, difficulty of counterfeiting, exact representation of all the labor-products to be exchanged, absolute security of basis, public confidence — to the greatest possible extent?

Being unsupported by law, it could not prevent the competition or coexistence of any better or complementary system, if devised.

Counterfeiting, being obviously a form of theft, contrary to equitable commerce, could be resisted by the Confederation acting defensively, and the passer of the bogus notes compelled to make restitution to those defrauded. Is there any need of redemption in a currency which is never refused? — or, in other words, does it not redeem itself every time it effects an exchange? Being perfectly equitable, leaving all in the same relative positions of wealth or poverty in which it found them, does this scheme offer an unfair advantage to any?

As it offers tools of exchange for all possible exchangeable wealth, does it not abolish all necessity for interest? Would not a method so simple, and whose single issue would afford all the currency needed for a long period of time, probably, be far less expensive, less cumbersome, every way more convenient, than the mutual- or mortgage-banking plan, with its multitude of rival bankers, foreclosing of mortgages, forced sales of mortgaged property, frequent losses, and general complexity and disorganization, or possible organization against the people?

Would not its currency command the confidence of outsiders and aliens, much more than that offered by the mortgage-banking plan on the credit of petty bankers and obscure individuals? Is it not easier to comprehend, and therefore to teach, and better fitted in every way to meet popular objections to free money than any other scheme?

Could not such a scheme be adopted *now*, by groups of confederating individuals, just as easily and successfully as any free-banking plan?

Comrades, I present this scheme with the utmost modesty, for I am no financier, and the money question has always been a most formidable one to me. I am haunted by a fear that there is some radical and fatal defect in it, which less dull brains than mine instantly perceive, or else, so simple is it, it would certainly have been advocated before. Perhaps it has been advocated before, and its weakness so thoroughly demonstrated that nobody even mentions it now.

Anyway it has banned my brain so long that at last I have resolved to give it utterance. If an error — he who brings an error to the trial does that much, negatively, to establish the truth.

I invite criticism.

J. WM. LLOYD.

Letters from Italy.

IV.

FLORENCE, ITALY, AUGUST 1, 1889.

To the Editor of Liberty:

The North of Italy, viewed from the social and political standpoint, does not present as marked differences from other civilized countries as those of the South of Italy. Milan, Genoa, Turin, are cities where the working class feels and thinks, as in the cities of France, England, or the United States. While in the South of Italy the *bourgeoisie* and the nobility are all-powerful, they have lost their strength and prestige in the large cities of the North; to be sure, they still retain much influence in the country districts, but they are daily losing ground in the cities. Milan was the first to shake off their yoke, the first to send a workingman to parliament, Signor Maffi. Her other deputies, men of great value, all belong to the Extreme Left, with one exception, Professor Colombo, who belongs to the Right and was elected by virtue of a provision of the electoral law which gives one representative to the minority. But here too is verified the observation made by Stuart Mill in his work on "Liberty" that opposition and struggle elevate the character of both parties alike. In places where the upper classes and the *bourgeoisie* are sure of success they often elect very ignorant people of no value whatever; in Milan, on the contrary, in order to maintain the struggle, they have been obliged to choose a man of talent and real value, like Signor Colombo.

The city government of Milan is still in the hands of the moderates because of the fact that municipal suffrage has heretofore been much more restricted than political suffrage. But a recent law has increased the number of municipal electors, and it is easy to foresee that at the next elections, soon to take place, the city government of Milan will fall into the hands of the men of the Left. That of Genoa is already partially held by them. Genoa too has a laborer-deputy, Signor Armirotti, a remarkable man both in intelligence and character.

His election did not make as great an impression on the moderates as that of Signor Maffi, simply because it took place several years later. But the moderates were absolutely furious when Milan set the bad example of electing a laborer-deputy. There were even those who on this occasion made an exception to their habit of never taking part in politics and bitterly deplored the event. They did not inquire whether the newly-elected deputy was an honest, learned, intelligent man; the very fact that a laborer was to be a deputy in parliament seemed a scandal. From their own

standpoint these people were unconsciously in the right. The *bourgeoisie* and the upper classes owe a portion of their power to the fetichism still preserved by atavism in a corner of the human brain. Men began by worshipping a stone, an animal, a mountain; then they worshipped man-gods and god-men; and now they still prostrate themselves before wealth and birth. Even republicans feel this need; they have created for their own special use a god which they call "popular sovereignty." According to them, men who, taken separately, are ignorant and uncultivated, when united can make no decision that does not bear the stamp of the highest wisdom.

The descendants of the men who formerly adored a fetich, who prostrated themselves before a despot, who trembled under the lash of a master, or who humiliated themselves to obtain the good graces of a patron, cannot today enjoy complete moral independence unless education comes to their aid to dissipate the shadows which still obscure their vision. It seems to them that a king, that a chamberlain covered with gold lace, that a large proprietor, are not in reality men like the rest. It is still only in Milan and in Genoa that the workingmen here have understood that they have a right to send one of their own number to parliament; in the rest of the country they will speak ill of their masters, they will even hate them as the slave does, but the idea never occurs to them that these are men like themselves, having the same vices and the same virtues. Here, for instance, is a young man who has been unable to remain at school because he would not learn anything, whose ignorance exceeds all limits, who reads nothing, and who passes his life in gambling houses or in racing-stables or even in the alcoves of his mistresses. But he has a fine name and a large fortune; that is all that is necessary. He has only to express a desire to be deputy, and they will hasten to elect him; he can have anything in the power of his fellow-citizens to bestow. And that without spending a cent, without corruption, simply as an effect of the fetichism attaching to his name and fortune. It must not be believed that the Italians are alone in thinking thus; young American misses will enter the market for his hand, and, if there is one who can offer as a price a suitable number of millions, she will be his happy wife, without, of course, any abandonment by him on that account of his numerous mistresses. Regularly every year Europe receives a certain number of American snobs who come to buy for their daughters a husband with a fine name. This proves, among other things, that the form of government is not sufficient to explain *snobism*, and that snobs are as plenty in the freest republic in the world — the United States of America — as in any of the countries governed despotically. Only it must be added that the mass of the American people know their rights and their power much better than the European peoples. That is not easily understood here, for we scarcely see in Europe the better portion of the citizens of the United States; those who are industrious stay at home; we see here only the rich idlers, who speak ill of their country and spend their money to ingratiate themselves with the European aristocracy. Often having no real merits, they wish to enjoy those illusory ones with which the fetichism of the people still surrounds the upper classes in Europe.

It is plain that this fetichism suffers a severe blow in seeing the entrance into parliament of laborer-deputies more intelligent, more sensible, and incomparably more honest than many deputies of the *bourgeoisie*. Among the latter there are some who do not even know how to write a letter; in Tuscany especially they elect their deputies from those good country gentlemen whose minds are absolutely uncultivated. In the Neapolitan provinces and also in Piedmont the intriguing lawyer has the best chances of election.

The people in Italy have not yet found out that a deputy should be simply their representative; the elections almost never turn upon a question of ideas, but, on the contrary, on a question of persons. They elect the man who has the most friends in the electoral college, who promises to obtain the most favors from the State for his electors, who possesses the largest fortune, or who, in short, seems in any way whatever above the mass of the people. They pay absolutely no heed at all to what he thinks, and the electors vote indifferently for a deputy of the Right or a deputy of the Left. In those electoral colleges which choose several deputies, — three, for instance, — it is not an uncommon thing to see a combination formed of three candidates of opposite parties and the electors voting for the entire list!

In this respect the workingmen of Genoa and Milan have set an example of high political morality in voting for Signor Armirotti and Signor Maffi. The workingmen knew perfectly well that these deputies could not procure them any favors from the government; nevertheless, instead of selling their votes or giving them to some intriguing lawyer or wealthy ignoramus, they cast them squarely for the men who, in their judgment, would best represent their ideas. This is the only way by which the people can arrive at power. There is a truth which, hard though it be, must be told, — namely, that the government belongs, generally speaking, to the most capable, and, if the *bourgeoisie* is in power and abuses it, it is because, in spite of its faults, it is, all things considered, more capable than the people and possesses qualities which the latter still lack. Among others the upper classes have this essential quality that all those belonging to them sustain each other. The popular parties, on the contrary, are divided and subdivided into a great quantity of little sects, which tear each other to pieces. This is the chief reason why the people are oppressed by the *bourgeoisie*. Certainly, a man cannot be expected to renounce his ideas, but, if he wishes to do something useful, he must try to come to an understanding with his fellow-citizens having the same interests and not allow himself to serve the purpose of their common enemies. Unhappily, the latter is the course pursued by the Socialists of this country. At the last political elections in the North of Italy, the government secured the aid of the Socialists in combatting the liberal candidates. The Socialists of Milan caused the publication in Switzerland of a pamphlet against Signor Cavallotti, the respected chief of the Extreme Left, and the police undertook its distribution. This was discovered through the stupidity of the Milan chief of police in having packages of these pamphlets sent to his address by rail! The writers were probably people in the pay of the police, but there were also people of good faith who allowed themselves to be taken in, and who, while supposing that they were defending their own ideas, were really working unconsciously for the triumph of the government's candidates.

In parliamentary countries the people dispose of a majority of the votes, and therefore it is only by strategy that the upper classes maintain their domination. To overcome them, it is necessary, first of all, for the popular forces to unite in one body, and there is only one really efficacious way of bringing this about, — namely, by instructing the people as to their real interests. In the North of Italy they are beginning to realize this, and that is why the people in those provinces play a political role of their own. In Tuscany and in the South of Italy the people amount to nothing in themselves: they do not struggle for their own interests, but for those of their patrons, as in ancient Rome. They have no parliamentary candidates of their own, and vote for those whom their patrons designate. That is the reason why the people are so wretched in Italy; why they are treated worse than beasts and crushed by taxes of every description; why justice does not exist for them, being either too costly or else too partial to the upper classes. If the working-people of Southern Italy were as enlightened as those of Northern Italy, this state of things would soon change. And if the greater part of the country would send such deputies to parliament as are sent from Milan, our politics would be really liberal and the people would cease to be sacrificed.

VILFREDO PARETO.

Perfect Liberty the Best of All.

[Waterman's Journal.]

Men are very quick to repudiate submission to a man; but when the slavery comes in the guise of submission to law or custom or to a government not directly personal, they are very likely not to recognize it. The divinity which was formerly thought to hedge a king in is now thought to hedge laws and to sanction them. But a life minutely regulated by laws and customs may be essentially as far from a free life as one regulated by the will of a despot. The statement frequently put forward as an axiom that men must sacrifice many of their liberties in order that they may live together is not true: that they *have* sacrificed them is certain; but to say that they *must* betrays a confusion of thought. A man cannot walk through a crowded street as he would walk through one that is deserted, but neither can he walk through a tangled forest with the same freedom with which he would walk through an open meadow; and yet he can hardly be said to sacrifice his freedom in walking through a tangled forest. His liberty would be restricted in any of these places if another man should approach him and force him to turn back, whether the man happened to be a private citizen or a public officer, and the act would be tyrannical whether the officer was acting in accordance with the will of a despot or with the will of the people or with the law.

If our object, then, is to secure the largest possible amount of liberty, will there be no laws, no restrictions whatever? If the nature of all were perfectly adapted to living together, if all had a perfect conception of liberty, restrictions would not be needed. But so long as human nature is what it is now, so long as men's impulses prompt them to commit acts of injustice against their fellows, so long will some force be necessary to restrain them. And whether this force is to be the will of a despot or the relatively impersonal force of law will depend upon the degree of development that their conception of freedom has reached.

No man has a right to complain that his liberty is violated if he is prevented from doing an act that would infringe upon the liberty of another; because the act, looked at from an impartial standpoint, would not really be an act of liberty at all. The amount of human freedom would be less after than before. It is here that the idea of justice enters into the conception of liberty. No act that involves injustice can be a free act, regarded from a social point of view. Political freedom does not mean what is meant in physics by a body free to move in all directions; neither does it include the metaphysical notion of freedom, — freedom from all constraint or influence. In that sense no one is free but the Unconditioned; and even the acts of the Unconditioned are determined, Spinoza tells us, — determined by the supreme perfection of the Divine Nature. To attempt to realize freedom in that sense would be as futile as to try actually to construct a geometrical solid by taking a mathematical point and moving it so as to generate a line, moving the line so as to generate a surface, and moving the surface so as to generate the solid. Political freedom can stand only for the largest amount of liberty for each individual consistent with the liberties of all other individuals. Even this ideal is at present far from being realized.

Two things, both due to the imperfect conception of personal liberty, conspire to prevent the realization of this ideal, — aggressions of individuals upon one another, and aggressions of the State upon the liberties of individuals. The State is supposed to prevent the former, but it does it very badly. In addition to its failure to do that which it should do, it insists upon doing many things which it should not do; the result, naturally, being far from satisfactory. Freedom implies that, if a man is doing anything which does not threaten the freedom of others, no man and no body of men have any right to interfere with him. "What?" cry many of our philanthropic friends, "if we are fully persuaded that a certain act is for a man's own advantage and for that of society, while another act is greatly for his disadvantage, shall we not compel him to do the one and to abstain from doing the other?" No; for it is of more importance that the principle of freedom shall be preserved than that what you are persuaded is for the best shall be enforced. This, of course, simply amounts to saying that freedom will yield better results in the long run than slavery. Some three hundred years ago an ecclesiastical tribunal was sitting to decide concerning certain opinions published by the individual. They found the opinions pernicious, and, being unable to convince the author by arguments of reason, "let us," they cried, "apply torture, if perchance we may win him away from his error. It is certainly better that his body should suffer for a time than that his soul should burn throughout eternity. The church will be acting with the kindest and most merciful intentions." The torture was applied, but without success. "This pestilent heretic obstinately refuses to recant. If we let him go, he will spread his baleful doctrines and entice many from the true faith. Shall we not choose rather that one man burn than that the souls of many perish everlastingly? To the stake with him." What arguments could be stronger? And yet most of us are convinced that they are unsound. So are all arguments for constraining a man for his own good. It is vastly more reasonable to compel men to follow their eternal welfare than to compel them for their temporal welfare. The latter they may be trusted to see and follow of themselves.

And this brings us to Carlyle's case of Gurth, thrall of Cedric, whose master gave him pork scraps when he had done well, and cuffs when he had done ill, or perhaps when Cedric happened to be out of humor. Would an England composed of twenty million Gurths and one million Cedrics be on the whole preferable to the England of today? There might not be Hyde Park riots and strikes of Manchester workmen, though such things as insurrections of slaves are not unknown; we may even grant that there would be less disorder, less chaos, less actual starvation; but would it be a pleasanter England to contemplate, to live in, to speculate about as to the future?

The history of the world abounds in attempts to divide the people of a nation into sharply defined classes, and, by making the step from one class to another difficult, to adapt those born into each class to the condition of life to which God called them: but the verdict has always been — weighed and wanting. Notwithstanding the almost constant training of men to slavery (I do not mean exclusively chattel slavery), the sentiment for freedom has continued to live, ready to develop, though slowly, as soon as the conditions should admit. Democracy and popular liberty are modern experiments, and perhaps we cannot yet say authoritatively that they will succeed; but we can at least say that the other things have failed. However, the purpose of this writing is not to assert that the present liberty is better than past slavery, which would be absurdly needless: but to maintain that still more liberty would be a better thing, and perfect liberty the best thing.

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